

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AMARO VALENTINO, GO-1640, )  
Petitioner, )  
 )  
v. ) Civil Action No. 08-1713  
 )  
KENNETH CAMERON, et al., )  
Respondents. )

Report and Recommendation

I. Recommendation:

It is respectfully recommended that the petition of Amaro Valentino be transferred to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. 2241(d).

II. Report:

Amaro Valentino, an inmate at the State Correctional Institution at Cresson, has presented a petition for a writ of habeas corpus which he has been granted leave to prosecute in forma pauperis. For the reasons set forth below, it is recommended that the above action be transferred to the United States District Court for the Eastern District of Pennsylvania.

Valentino is currently serving a two to four year sentence imposed following his conviction of stalking, terroristic threats and simple assault at No. 6331-05, in the Court of Common Pleas of Montgomery County, Pennsylvania.

It is provided in 28 U.S.C. §2241(d) that:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a state which contains two or more Federal judicial districts, the application may be filed in the district court for

the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

While the petitioner is in custody in the Western District of Pennsylvania, the trial court which sentenced him is located in Montgomery County, which is located in the Eastern District of Pennsylvania. It, therefore, would appear that the interests of justice would best be served by transferring the petition to the United States District Court for the Eastern District of Pennsylvania and it is so recommended.

Within the time limits set forth in the attached notice of electronic filing, any party may serve and file written objections to the Report and Recommendation. Any party opposing the objections shall have seven (7) days from the date of service of objections to respond thereto. Failure to file timely objections may constitute a waiver of any appellate rights.

Respectfully submitted,

s/Robert C. Mitchell,  
United States Magistrate Judge

Entered: January 5, 2009